

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LAKSANA P. SIMANGUNSONG,

Plaintiff,

v.

THE ALASKA VICTORY, et al.,

Defendant.

CASE NO. C04-458JLR

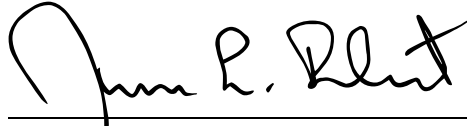
ORDER

This matter comes before the court upon Plaintiff's motion for reconsideration (Dkt. # 43). For the reasons stated below, the court GRANTS Plaintiff's motion and permits Plaintiff to avoid dismissal of this action by appearing for an independent medical examination ("IME") in Seattle no later than July 13, 2005.

Pursuant to Local Rules W.D. Wash. CR 7(h)(1), motions for reconsideration are disfavored, and will ordinarily be denied unless there is a showing of (a) manifest error in the prior ruling, or (b) facts or legal authority which could not have been brought to the attention of the court earlier, through reasonable diligence. Plaintiff bases his motion on a fact that could not have been brought to the court's attention earlier – the Department of Homeland Security's decision to grant advance parole to Plaintiff on June 6, 2005. This new fact makes it possible for Plaintiff to appear for an IME in Seattle. His failure to appear for an IME led the court to issue the order dismissing this action.

1 Although the court is sympathetic to Defendants' argument that Plaintiff has been  
2 dilatory in seeking advance parole, the court's strong preference for deciding cases on the  
3 merits leads it to grant a final opportunity for Plaintiff to satisfy his discovery obligations  
4 in this matter. The court therefore GRANTS Plaintiff's motion for reconsideration (Dkt.  
5 # 43). Plaintiff Simangunsong is ORDERED to attend an IME in Seattle with a physician  
6 selected by Defendants by July 13, 2005, or Defendants shall be entitled to submit an  
7 order of dismissal with prejudice.  
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9 Dated this 9th day of June, 2005.

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13 JAMES L. ROBART  
14 United States District Judge  
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